

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : :

1:95-CR-204

v. :

: (JUDGE MANNION)

DERRICK CRUZ, :

Defendant : :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS
HEREBY ORDERED THAT:**

1. Cruz's motion for compassionate release pursuant to 18 U.S.C. §3582(c)(1)(A)(i), (**Doc. 346**), is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction since he has not exhausted his administrative remedies with the BOP.
2. The court recommends that the BOP give Cruz immediate consideration for placement in home confinement in order to mitigate his health risk, pursuant to 18 U.S.C. §3624(c)(2) and the CARES Act.
3. Counsel for the government is directed to serve a copy of the foregoing Memorandum and Order on the Warden at FCI-Schuylkill forthwith.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: April 17, 2020

95-204-01-ORDER.wpd